



National Park Service
U.S. Department of the Interior

River Raisin National
Battlefield Park

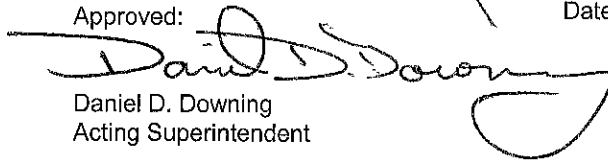
River Raisin NBP
1403 East Elm Avenue
Monroe, MI 48162

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

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Approved:

Date: 20 August 2014


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Acting Superintendent

A. INTRODUCTION

1. Superintendent's Compendium Described

The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park. The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park

System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954

The CFR is also available on the Internet at:

http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html

2. Laws and Policies Allowing the Superintendent to Develop This Compendium

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

3. Consistency of This Compendium with Applicable Federal Law and Requirements

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of either the Regulatory Flexibility Act or the Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

4. Development of the Requirements of the Superintendent's Compendium

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

5. Applicability of the Compendium

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

6. Enforcement of Compendium Requirements

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

7. Penalties for Not Adhering to the Compendium Requirements

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

8. Comments on the Compendium

The Compendium is reviewed annually and revised as necessary. The park welcomes

comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

Superintendent
River Raisin National Battlefield Park
1403 East Elm Avenue
Monroe, Michigan 48162

9. Effective Date of the Superintendent Compendium

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

10. Additional Information

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 *Definitions*.

11. Availability

Copies of the Compendium are available at River Raisin National Battlefield Park, 1403 East Elm Avenue, Monroe, Michigan 48162. It may also be found at www.nps.gov/rira.

B. SUPERINTENDENT'S COMPENDIUM

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of River Raisin National Battlefield Park. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

Visitor use of the park is limited to daylight hours, defined as one half hour before sunrise to one half hour after sunset. Visitation in other than daylight hours is incompatible with the educational and memorial purposes for which the park was established. The Superintendent makes exceptions for evening programs, approved special use permits, or approval on an individual basis. Emergency closures will be posted and/or announced through the media.

The park was established to permanently preserve and protect "of great historic and memorial interest and to interpret the events of the Battles of Frenchtown that occurred the centered around the River Raisin in Monroe and Wayne Counties, Michigan. There are no overnight camping facilities in the

park, and except for scheduled evening interpretive programs and special events, there is no valid scientific or educational reason to allow visitor use after dark. In addition, there are no park employees on-site after dark and the sites are vulnerable to looting or vandalism if the park remained open to the public. Visiting is therefore limited to daylight hours.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted.

Recreational activities such as kite flying, Frisbee throwing, ball playing, etc. are restricted to the mowed turf between Elm Avenue and the Visitor's Center and local residences. Activities are further restricted at the discretion of the Superintendent to those that are low impact and do not result in damage to the turf or other resources or cause undue interference with other visitors to the park.

River Raisin National Battlefield Park was a field of battle and is a memorial to those that died in the battle. Many of the fallen were interred on the field of battle, and the area should be respected as an unmarked grave site.

Closures:

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of River Raisin National Battlefield Park is prohibited except as approved in writing by the superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links.) This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Determination: *Until the NPS can determine whether specific uses of unmanned aircraft are appropriate and will not cause unacceptable impacts on park resources and values, River Raisin National Battlefield Park is closed to the use of these devices. The use of unmanned aircraft within the boundaries of River Raisin National Battlefield Park has the potential to harm visitors, disturb wildlife, impact viewsheds, cause excessive noise, and interfere with other visitors' enjoyment of the area. This closure is being implemented as an interim measure while this new use can be properly evaluated. A less restrictive approach is not appropriate at this time due to the impacts the devices could potentially present to visitor safety, park values, and to park resources. The interim closure will safeguard these values while the NPS considers how to address this new use on a long-term basis.*

- A section of the Battlefield across the road from the Visitor's Center to the East is posted as closed to visitors due to hazardous conditions caused by algae growth on broken slabs of concrete, and generally unsafe to foot traffic. The area is posted with signs.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(F) The following is a compilation of those activities for which a permit from the Superintendent is required:

§2.2(e) Viewing wildlife with artificial light

§2.4(d) Carry or possess a weapon, trap or net

§2.5(a) Specimen collection (Taking of plants, fish, wildlife, rocks or minerals)

§1.10(a) The following camping activities:

- Erecting any type of tent or temporary structure

- Residing in the park between the hours of sunset to sunrise
 - Parking of recreational vehicles or other self contained units
- §2.12 Audio disturbances:
- (a)(2) Operation of a chain or power saw in a developed areas
 - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
 - (a)(4) Operation of a public access system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft and air delivery
- (a)(3) Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means
 - (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money, goods or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52
- §2.38 Explosives:
- (a) Use, possess, store, transport explosives and or blasting agents
 - (b) Use or possess fireworks
- §2.50 Sports, events, [agents, regattas public spectator attractions, entertainments, ceremonies and similar events].
- §2.51(b) Public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views involving 25 persons or more.
- §2.52(c) Sale or distribution activities of printed matter that is not solely commercial advertising involving 25 persons or more
- §2.61(a) Residing on federal lands
- §2.62 Memorialization
- (a) Erection of monuments (Requires approval from the Director)
 - (b) Scattering ashes from human cremation
- §4.11(a) Vehicles exceeding load, weight, and size limits (See, section III. §4.10)
- §5.1 Advertisements including the display, posting or distribution
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States or pursuant to special regulations)
- §5.5 Commercial photography/filming
- Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - Still photography of vehicles or other articles of commerce or models, for the purpose of commercial advertising
- §5.6(c) Use of commercial vehicles on park area roads (The Superintendent shall issue a permit

to access private lands within or adjacent to the park when access is otherwise not available)

§5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

The listed activities may be appropriate in very limited situations or may be compatible with the purposes of the park for specific educational or commemorative events. Some situations may make the park the appropriate space for the exercise of Constitutionally protected rights. Therefore, the listed activities may be permitted with the approval of the Superintendent.

III. GENERAL REGULATIONS

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL, AND ARCHEOLOGICAL RESOURCES

(a)(5) The following conditions are in effect for walking, climbing, entering, ascending, or traversing the listed archeological or cultural resource, monuments, or statues:

The public is prohibited from digging, electronically prospecting, disturbing, moving, removing objects and artifacts. The banks of Mason Run and other earthworks that are subject to erosion are closed to travel, but all other areas of the park are open to foot travel.

(c)(1), (c)(2) The fruits, nuts, berries, mushrooms, tree sap may not be gathered for personal use or consumption. Generally, collection and removal of natural resources from any unit of the National Park System is prohibited.

36 CFR §2.11 – PICNICKING

Picnicking is permitted only in designated picnic areas. These areas are identified by the presence of picnic tables and/or trash cans.

All units of the park contain sensitive archeological features. Appropriate scientific and educational activities near or at these features would be adversely impacted by allowing picnicking throughout the grounds. The park provides picnic tables and other facilities at designated areas to limit impacts from erosion, burrowing animals, insects, and interference with educational activities.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is prohibited in the park except that the Superintendent may permit the use of fires for educational or interpretive purposes. Fire is a potential hazard to park resources and facilities and to neighboring properties. No fires shall be set for the purposes of camping activities or food preparation by visitors.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

Pets are not allowed in buildings or structures except service animals. To prevent conflicts with other visitors and staff, animals are not allowed in park buildings with the exception of service animals.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

Pet excrement is to be removed from trails, walkways, lawns, and other developed areas by the person responsible for the pet. Pet owners are responsible for their animals, including cleaning up after their

animals. The developed units of the park are commemorative spaces which should be treated with respect and decorum.

36 CFR §2.16 – HORSES AND PACK ANIMALS

(b) The use of horses or pack animals is allowed on the specified trails, routes, or areas:

The use of horses or pack animals is only allowed on the Mason Run Loop Trail that runs through Frenchtown Battlefield. Horses and pack-animals are prohibited in all other areas.

The potential introduction of invasive plants is also a concern.

36 CFR §2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas:

The River Raisin Heritage Trail that runs through River Raisin National Battlefield Park is the only trail that is open for the use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, or all or portions of buildings, structures, or facilities are closed to smoking as noted:

Smoking is not allowed in park buildings. Smoking on trails and other outside areas of the park may be prohibited during periods of high fire danger. All smoking debris must be removed from the park by the smoker.

36 CFR §2.35 – ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to the use or possession of alcoholic beverages and controlled substances:

Alcoholic beverages are permitted only in designated picnic areas. Consumption of alcoholic beverages in other areas of the park is prohibited as it is inappropriate to the educational and interpretive activities that occur in these areas.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

(d) A person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

This authority does not extend to Federal facilities within the park (18 U.S.C. 930(a)). Federal facilities include the Visitor Center, Administrative Building, Resource Management Building, Collections Storage Building, and Maintenance facilities.

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

The legal speed limit on all park roads shall be 15 miles per hour.